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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 ATILLA DEAK,

13 Plaintiff,

14 v.

15 JO ANNE B. BARNHART,
Commissioner of Social Security,

16 Defendant.
17

CIVIL NO. 05-05212 JF

STIPULATION AND ORDER OF REMAND

18 IT IS HEREBY STIPULATED by the undersigned for the respective parties, subject to the
19 approval of the Court, that this action be remanded to the defendant Commissioner pursuant to
20 sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings.

21 Plaintiff has been found disabled as of December 13, 2003 on subsequent applications filed
22 on February 20, 2004. The favorable decision in the subsequent claim is based on meeting a listing
23 beginning the day after the first Administrative Law Judge (ALJ) decision. The evidence of record is
24 not consistent with the different outcomes.

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1 Upon receipt of the Stipulation for Remand, the Appeals Council will remand the case to an
2 ALJ for a de novo hearing.

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6 Dated: June 16, 2006

/s/
JAMES HUNT MILLER
Attorney for Plaintiff

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11 KEVIN V. RYAN
United States Attorney

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14 Dated: June 19, 2006

By: /s/
SARA WINSLOW
Assistant United States Attorney

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED that this action is reversed and remanded,
18 pursuant to sentence four of 42 U.S.C. 405(g), to the Commissioner for further proceedings.
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23 Dated: 6/20/06

24 
JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ATILLA DEAK,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

CIVIL NO. 05-05212 JF

[PROPOSED]
JUDGMENT

IT IS HEREBY ADJUDGED that the agency's final decision is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). The Commissioner of Social Security shall assume jurisdiction to conduct further administrative proceedings as set forth in the parties' Stipulation of Remand, filed herein. This constitutes a final judgment under Fed.R.Civ.Proc. 58.

Dated: _____

JEREMY FOGEL
United States District Judge